

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CAP 11 ENTERPRISES LLC, 251 E. MAIN  
STREET, LLC, 67 PURCHASE ST LLC,  
PUB STREET PLEASANTVILLE LLC, AND  
LOCALI KITCHEN & BAR LLC,

Individually and on Behalf of All Others  
Similarly Situated,

Plaintiffs,

v.

MANHATTAN BEER DISTRIBUTORS,  
LLC, SIMON BERGSON, AND MICHAEL  
MCCARTHY,

Defendants.

Case No. 22-CV-1408 (CS)(AEK)

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**PLAINTIFFS' REPLY MEMORANDUM OF LAW IN SUPPORT OF UNOPPOSED  
MOTION FOR FINAL APPROVAL OF THE CLASS ACTION  
SETTLEMENT AND RELATED RELIEF**

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Dated: April 22, 2025

*Counsel for Plaintiffs and the Class*

Plaintiffs Cap 111 Enterprises LLC, 251 E. Main St, LLC, 67 Purchase St LLC, Pub Street Pleasantville LLC, and Locali Kitchen & Bar LLC (“Plaintiffs”) hereby submit this Reply Memorandum of Law in support of their unopposed motion for final approval of the parties’ class action settlement (ECF No. 200).

The purpose of this Reply is to provide the Court with a final update regarding the Rule 23 notice campaign. The notice period closed Friday, April 4, 2025, and the Settlement Administrator has now provided the parties with the latest results of the notice campaign.

To summarize, following the Court’s December 18, 2024, preliminary approval order (ECF No. 195), the parties implemented the notice campaign detailed in the preliminary approval order. Specifically, on February 3, 2025, the court-authorized notice was issued through direct mail and email. See ECF No. 206 ¶ 7. The notice described the settlement terms in plain language and advised Class Members as to their rights under the Settlement Agreement, including their right to object to the settlement or exclude themselves. Class Members’ response to the Settlement has been overwhelmingly positive. There have been *no objections* and *no opt-outs* to the Settlement.

In sum, the parties’ hard-fought Settlement achieved after more than three years of litigation has received Class Members’ ringing endorsement. The unopposed motion for final settlement approval (ECF No. 200) is now fully briefed, and we look forward to appearing at the final approval hearing on Thursday, April 24.

### **CONCLUSION**

For the reasons set forth above, Plaintiffs respectfully request that the Court grant Plaintiffs’ Motion and enter the proposed Order and Final Judgment (ECF No. 202-1).

Dated: April 22, 2025  
New York, New York

Respectfully submitted,

/s/ Ethan D. Roman

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Plaintiffs' Reply Memorandum of Law in Support of Plaintiffs' Motion for Final Approval of the Class Action Settlement and Related Relief was served via ECF this 22nd day of April 2025 upon all counsel of record.

/s/ Ethan D. Roman

Ethan D. Roman